

# **EXHIBIT 7**

Email from Joe Hudson to Allison Johnson  
Oct. 31, 2014

**To:** Hudson, Joe B -FS  
**Subject:** RE: Selway Fire Sale - Road Use

Are you getting back to the NOAA folks with this decision? Just checking.

Zo

**Zoanne Anderson, Area Manager**



**Idaho Department of Lands**

**Maggie Creek Supervisory Office**

**913 3rd Street**

**Kamiah, ID 83536**

**208.935.2141 (phone)**

**208.935.0905 (fax)**

[zanderson@idl.idaho.gov](mailto:zanderson@idl.idaho.gov)

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**From:** Hudson, Joe B -FS [<mailto:jbhudson@fs.fed.us>]  
**Sent:** Friday, October 31, 2014 1:29 PM  
**To:** Zoanne Anderson  
**Subject:** RE: Selway Fire Sale - Road Use

I am sorry it got to this point. I thought I had mad myself clear but apparently not.

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**From:** Zoanne Anderson [<mailto:zanderson@idl.idaho.gov>]  
**Sent:** Friday, October 31, 2014 1:20 PM  
**To:** Hudson, Joe B -FS  
**Subject:** RE: Selway Fire Sale - Road Use

Thank you Joe!

We really appreciate your attention to this matter.

Zo

**Zoanne Anderson, Area Manager**



**Idaho Department of Lands**

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**From:** Hudson, Joe B -FS [<mailto:jbhudson@fs.fed.us>]  
**Sent:** Friday, October 31, 2014 1:16 PM  
**To:** Johnson, Allison -FS; Windsor, Michele A -FS; Thompson, Katherine L -FS; Hill, Lois R -FS  
**Cc:** Brazell, Rick -FS; Rau, Ralph E -FS; Zoanne Anderson; Hudson, Joe B -FS  
**Subject:** RE: Selway Fire Sale - Road Use

Here is my direction for Forest Service folks involved in this project. Any further communication with NMFS or USFWS on this project will go through Michele Windsor or myself, i.e., any further communications with NMFS or USFWS regarding this project will be conducted by Michele, myself, Rick Brazell or Ralph Rau. Any further direct communications with IDL will be conducted by myself.

The FS is not consulting with NMFS in regard to IDL's activities occurring or proposed to occur on IDL lands. That is between IDL and the regulatory Agencies. Those activities will be considered as cumulative effects under the FS Johnson Bar Salvage. USFS interests, authority and jurisdiction on IDL's application for a road use permit applies to using roads on which the USFS has easement on.

Our (FS) focus on IDL's request for a road permit will be solely on issuing a commercial road use permit to IDL on the portion of roads where FS has easement and a permit is required (FS roads). It is my understanding that all work proposed by IDL on these roads has been reviewed by reg agencies and fall within our programmatic agreement with NMFS. Thus for this project (road use permit) we have completed our consultation requirements. I reiterate, Any further discussions regarding activities on IDL lands will be between IDL and the regulatory agencies.

As the responsible line officer for the road use permit, I will determine how I proceed with NEPA.

I hope this direction is clear and I expect it to be adhered to. If this direction changes I will let you know.

Thank You, ~ joe

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**From:** Johnson, Allison -FS  
**Sent:** Friday, October 31, 2014 11:41 AM  
**To:** Zoanne Anderson; Hudson, Joe B -FS; Johnson, Allison -FS  
**Cc:** [Aurele.LaMontagne@noaa.gov](mailto:Aurele.LaMontagne@noaa.gov); [sarah.fesonmyer@naoo.gov](mailto:sarah.fesonmyer@naoo.gov); Dan Fabbi; [khouston@idl.idaho.gov](mailto:khouston@idl.idaho.gov)  
**Subject:** RE: Selway Fire Sale - Road Use

Good Morning Zoanne-

Thanks for the follow up from our field trip-the additional stream crossing information is much appreciated. I will let Aurele expand on consultation obligations from the regulatory agency perspective, I believe he will follow up with you in the near future as the FS also has some questions/issues for him to look in to.

As for my position, I am in discussions with NMFS concerning interdependent/interrelated actions tied with the SUP for the road easement. This is direction is clearly outlined in the ESA handbook and the 50 CFR Part 402 (Vol 52, No. 106), please see attached pg. 8 of 40. There are however, additional questions I have concerning this ESA direction unrelated to IDL actions. You are correct in stating that the Forest Service holds no jurisdiction or authority over State Endowment Lands.

Pg 4-26 ESA Handbook:

“Interrelated and interdependent actions: Effects of the action under consultation are analyzed together with the effects of other activities that are interrelated to, or interdependent with, that action. An interrelated activity is an activity that is part of the proposed action and depends on the proposed action for its justification. **An interdependent activity is an activity that has no independent utility apart from the action under consultation. (Note: the regulations refer to the action under consultation as the “larger action” [50 CFR § 402.02]).** In fact, the use of the term “larger” has proven to be confusing when applied in the case of a modification to an existing project. Instead of keeping the inquiry on whether other activities are interrelated to or interdependent with the modification, it has unintentionally and inappropriately shifted the focus to an inquiry on whether the modification itself is interrelated to or interdependent with the “larger” action or project. To better understand how the interdependent or interrelated analysis should work, see the detailed examples below.”

The IDL proposed timber sale does, however, lie within the Johnson Bar Salvage Sale project area so, any actions on State endowment lands now become part of our existing environmental baseline and proposed activities must be considered in my cumulative effects analysis in my BA. Past, present, future actions must be part of the analysis and that is why, in part, I have requested additional information. I believe, you are correct in stating that your proposed actions are in compliance with Idaho Forestry Program Implementation.

The connected actions with the SUP road easement is less clear to me and is why I have asked for assistance from the Level 1 team, please see attached documentation and please call with any questions or concerns.

Allison Johnson  
Fish Biologist  
Nez Perce-Clearwater NF  
208-983-4094  
104 Airport Road,  
Grangeville, ID. 83530  
[ajohnson04@fs.fed.us](mailto:ajohnson04@fs.fed.us)

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**From:** Zoanne Anderson [<mailto:zanderson@idl.idaho.gov>]  
**Sent:** Thursday, October 30, 2014 10:22 AM  
**To:** Hudson, Joe B -FS  
**Cc:** [Aurele.LaMontagne@noaa.gov](mailto:Aurele.LaMontagne@noaa.gov); Johnson, Allison -FS; [sarah.fesonmyer@naoo.gov](mailto:sarah.fesonmyer@naoo.gov); Dan Fabbi; Nick Carter; [khouston@idl.idaho.gov](mailto:khouston@idl.idaho.gov)  
**Subject:** Selway Fire Sale - Road Use

Hi Joe,

This is a follow up to IDL's meeting with your Fisheries Biologist and folks from NOAA yesterday (October 29, 2014).

We appreciate the Forest's interest in our salvage sale and are more than happy to inform the

Forest, as we would any interested party, but are confused and concerned as to the level of analysis that the Forest appears to be contemplating on State Endowment Land.

As we re-iterated to the folks we met with yesterday, IDL is not asking permission to operate on State Endowment Land. We have our own rules and requirements that we are more than following. IDL is simply asking for use of an easement on private property, for which the Forest holds an all purpose easement. Why is the Forest seeking to analyze State harvest and road building (on Endowment Land) activities? This seems very inappropriate given that the Forest holds no jurisdiction or authority over State Endowment Lands.

Can you help clarify?

While in the field yesterday, we shared our IDT's findings with your folks. I have attached them as a courtesy for everyone's information. We also shared the voluntary measures that we apply to all timber sales within the SRBA agreement area. Hopefully everyone will find them helpful.

We also remain unclear as to your permitting process and the timeline we can expect a decision. Can you help explain this as well?

I look forward to talking to you more about these issues in the future. Please give me a call at your earliest convenience.

Thanks,

Zo

**Zoanne Anderson, Area Manager**



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**[zanderson@idl.idaho.gov](mailto:zanderson@idl.idaho.gov)**

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**From:** Scott Marshall

**Sent:** Monday, October 27, 2014 10:07 AM

**To:** Zoanne Anderson

**Cc:** Kurt Houston; Bob Helmer; Ara Andrea; Michele Andersen; Dan Fabbri; David Groeschl; Nick Carter

**Subject:** Selway Sale - Stream Crossings

**Zoanne:**

Please find attached a memorandum addressing the stream crossings for the Selway